IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 30441 of 2007(Y)

PETITIONER:

MUHAMMEDALI,
KUZHIMBATTIL HOUSE, ARAPUZHA,
PANTHEERANKAVU P.O., KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

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1. CORPORATION OF KOZHIKODE,
CORPORATION BUILDINGS, KOZHIKODE, REP. BY ITS SECRETARY.

2. THE SUB REGISTRAR OF BIRTHS AND
DEATHS, OFFICE OF THE REGISTRAR OF BIRTHS AND DEATHS, CIRCLE XII, KOZHIKODE CORPORATION, KOZHIKODE.

*3. THE CHIEF REGISTRAR,
BIRTHS AND DEATHS,
STATE OF KERALA.

ADDL. RESPONDENT NO.3 IS SUO MOTU IMPLEADED AS PER ORDER DT. 15.10.07 IN W.P.(C) NO.30441/07

BY P.V. KUNHIKRISHNAN, SC, KOZHIKODE CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 30441 OF 2007

Dated this the 16th day of November, 2007

J U D G M E N T

Grievance of the petitioner is that application submitted by him for getting the name of his son corrected in the birth register maintained by the 2nd respondent was rejected by him relying on a circular, which is not applicable. In fact the Corporation along with their statement has produced a copy of the circular which is relied on by the respondents in the rejection order (Ext.R1(a)).

2. Heard Sri. Salil Narayanan K.A., learned counsel for the petitioner, and Sri. P.V.Kunhikrishnan, learned standing counsel for the Corporation and learned Government Pleader, who took notice on behalf of the addl. R3, the Chief Registrar, and the learned Government Pleader. Learned Government Pleader submitted that very recently Circular No.B1 2815/07 dated 7.11.07 has been issued by the directorate whereby the Registrars of Births and Deaths attached to the various legal authorities have been empowered by the Government to make necessary corrections in the birth and death register. A copy of the above circular is placed before me. On going

through that circular, particularly Para 3 thereof, it is seen that the concerned Registrar has been empowered for taking appropriate decisions on the applications for correction of inadvertent mistakes in the entries in the birth and death registers. In view of the above circular, there is a justification for issuing direction to the 2nd respondent to take a fresh decision on Ext.P1.

Accordingly, the writ petition stands allowed. Ext.P4 is quashed. The 2nd respondent is directed to pass fresh orders on Ext.P1 taking into account Circular No. B1 2815/07 dated 7.11.07 of the Director of Panchayat (3rd respondent/Chief Registrar). If the petitioner is desirous of a personal hearing before the 2nd respondent, he is free to make such a request in this case and the same will be granted. Fresh orders as directed above will be passed by the 2nd respondent at the earliest, at any rate, within three weeks of receiving a copy of this judgment and a copy of the circular. Petitioner will have the liberty of producing any fresh materials which may be of help to him in the matter of Ext.P1.

PIUS C. KURIAKOSE,, JUDGE

vps